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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,924	10/14/2003	Phillip M. Turner	GP-303412	6375

7590 03/21/2007  
General Motors Corporation  
Legal Staff, Mail Code 482-C23-B21  
300 Renaissance Center  
P.O. Box 300  
Detroit, MI 48265-3000

EXAMINER
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GLASS, ERICK DAVID

ART UNIT	PAPER NUMBER
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2837

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/21/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/684,924

Applicant(s)

TURNER ET AL.

Examiner

Erick Glass

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-14, 16-18 is/are rejected.
- 7) ☒ Claim(s) 9 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/24/2006, 10/5/2005, 10/14/2003</u> | 6) <input type="checkbox"/> Other: ____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6,7,11-14 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuck (US 3,783,700).

With respect to claim 1, Kuck teaches a washer switch (fig. 6, 120) having a variable frequency setting; and a controller (fig. 2, 44) that communicates with said washer switch and said fluid delivery device and that controls operation of said fluid delivery device for delivering fluids intermittently (column 1, lines 39-65).

With respect to claim 2, Kuck teaches wherein said fluid delivery is selectively adjustable among a range of intermittent settings (column 1, lines 39-65).

With respect to claim 3, Kuck teaches wherein said intermittent settings correspond to predetermined time delays between successive fluid delivery events (column 1, lines 39-65).

With respect to claim 4, Kuck teaches wherein said apparatus further includes a manual override for delivering fluid on demand while in said variable frequency setting (column 4, lines 1-8).

With respect to claim 5, Kuck teaches wherein said apparatus further includes a

manual override for postponing fluid delivery while in said variable frequency setting (column 4, lines 1-8).

With respect to claim 6, Kuck teaches including a fluid dispensing device for receiving fluid from said fluid delivery device and which dispenses fluid onto a window (column 1, lines 55-58).

With respect to claim 7, Kuck teaches selecting an intermittent operational mode having a corresponding frequency of fluid delivery; and administering fluid intermittently to the window based on said intermittent operational mode (column 1, lines 39-65).

With respect to claim 11, Kuck teaches providing a signal includes terminating fluid delivery (column 1, lines 39-65).

With respect to claim 12, Kuck teaches comprising delivering fluid on demand while in said variable frequency setting based on a requested override (column 4, lines 1-8).

With respect to claim 13, Kuck teaches comprising postponing fluid delivery while in said variable frequency mode based on a requested override (column 4, lines 1-8).

With respect to claim 14, Kuck teaches determining an operating mode selected by the user from a range of operating modes; administering fluid to the window; waiting a predetermined time corresponding to said selected operating mode; and readministering fluid to the window (column 1, lines 39-65).

With respect to claim 16, Kuck teaches comprising overriding said administering based on a request (column 4, lines 1-8).

With respect to claim 17, Kuck teaches wherein overriding includes administering

fluid instantly based on said request (column 4, lines 1-8).

With respect to claim 18, Kuck teaches wherein overriding includes postponing fluid administration (column 4, lines 1-8).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuck (US 3,783,700) in view of Wojan et al (PGPUB 2003/0042328).

With respect to claim 8, Kuck does not teach determining if fluid level of a fluid reservoir is below a predetermined level and providing a signal if said fluid level is below said predetermined level. Wojan et al teaches determining if fluid level of a fluid reservoir is below a predetermined level and providing a signal if said fluid level is below said predetermined level (paragraph 0031). It would have been obvious for one having ordinary skill in the art at the time of the invention to implement sensing when the washer fluid is low to inform the driver into the system of Kuck, to provide the advantages of safety and convenience, as taught by Wojan et al.

With respect to claim 10, Kuck does not teach providing a signal includes providing a warning signal. Wojan et al teaches providing a signal includes providing a warning signal (paragraph 0031). It would have been obvious for one having ordinary skill in the art at the time of the invention to implement sensing when the washer fluid is

low to warn the driver into the system of Kuck, to provide the advantages of safety and convenience, as taught by Wojan et al.

***Allowable Subject Matter***

Claims 9, and 15 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erick Glass whose telephone number is 571-272-8395. The examiner can normally be reached on 8-5 M-F.

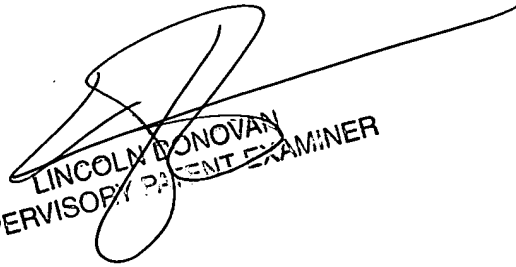
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan can be reached on 571-272-2107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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LINCOLN DONOVAN  
SUPERVISORY PATENT EXAMINER